

REMARKS

Claims 8, 9, 13 and 14 have been withdrawn from the present application in a previous response to a restriction requirement, and therefore claims 1-7 and 10-12 are currently pending in the present application.

Applicants gratefully acknowledge the Examiner's indication that claims 2 and 4-7 contain allowable subject matter. Since claims 2 and 4 have been rewritten in independent form, and since claims 5-7 depend from claim 4, Applicants submit that claims 2 and 4-7 are in allowable condition.

Claims 1-3 and 10-12 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,675,518 to Kuroda et al, ("Kuroda"). Applicants respectfully traverse for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

In the Office Action, the Examiner alleges that Kuroda discloses the use of GPS measurements to obtain an inter-vehicle distance, and that "it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the inter-vehicle distance measurement apparatus and method [of Kuroda] by specifying the determination of the inter-vehicle distance using GPS because it would provide a more accurate and reliable system." Applicants respectfully submit that Kuroda and the ordinary skill level in the art simply do not support the obviousness conclusion. It is noted that independent claim 1 recites determining a first inter-vehicle distance between the moving vehicle and a second

vehicle based on GPS measurements obtained at ***both*** vehicles. Kuroda does not in any way disclose or suggest this feature. At most, Kuroda discloses receiving a constant-frequency signal received from a GPS satellite *at a single vehicle* for comparing with the internal clock frequency of the inter-vehicle distance measuring apparatus (3) of that same vehicle. See Kuroda, col. 6, lines 16-39. There is no disclosure of either: a) receiving GPS signals at more than one vehicle; or, more significantly, b) taking GPS *measurements*. In other words, Kuroda does not disclose or suggest determining distances from GPS signals, but rather, only discloses using the 1.575 GHz signal from GPS satellites as a reference frequency. See Kuroda, col. 6, lines 25-39.

For at least these reasons, it is clear that Kuroda does not disclose or suggest each of the features of claim 1, and the teachings of Kuroda, in combination with the ordinary skill in the art, are insufficient to support the obviousness conclusion. Claim 1 is therefore allowable over Kuroda.

With respect to independent claim 3, it recites the step of generating test series data at each vehicle for each pair of vehicles receiving GPS signals from a satellite. As discussed above, Kuroda does not disclose taking GPS measurements at more than one vehicle. In Kuroda, the entire reception and analysis process takes place in a single vehicle. In contrast, claim 3 calls for generating test series data at each vehicle for each pair of vehicles, involving more than one vehicle. For at least this reason, it is clear that Kuroda does not disclose or suggest each of the features of claim 3, which is therefore allowable over Kuroda.

As claim 10 recites features analogous to those of claim 1, it is allowable over Kuroda for the same reasons given above with respect to claim 1. Thus, claim 10 and its dependent claims 11 and 12 are also allowable over Kuroda.

Withdrawal of the obviousness rejection of claims 1, 3 and 10-12 is therefore respectfully requested.

CONCLUSION

In view of all the above, it is believed that the pending claims in allowable condition. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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